



September 2007

California Environmental Protection Agency

California Integrated Waste Management Board (CIWMB)

Rubberized Asphalt Concrete (RAC) Use Grant Program

APPENDICES

Fiscal Year (FY) 2007/08

The appendix accompanies the application, which contains grant program information, processes, examples, and definitions.

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Appendix A

GRANT PROGRAM OVERVIEW AND GUIDELINES

BACKGROUND

The California Integrated Waste Management Board (CIWMB) receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the Tire Recycling Act (Act) (Senate Bill 937, Vuich, Statutes of 1990, Chapter 35) and related legislation. Public Resources Code (PRC) Section 42872.5 allows for the awarding of grants to public entities for funding of public works projects that use rubberized asphalt concrete (RAC).

The RAC Use Grant Program is aimed at regular (repeat) users of RAC. A jurisdiction can apply for multiple projects within a grant cycle and can re-apply in subsequent cycles. This grant program has a set per ton “reimbursement rate” for use of RAC.

APPLICANT ELIGIBILITY

Eligible applicants include cities, counties, and qualifying Indian tribes that fund public works projects located in California. For the purposes of this grant program, qualifying Indian tribes are defined as an Indian tribe, band, nation, or other organized group or community, residing within the borders of California, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

PROJECT ELIGIBILITY

Eligible projects must use a minimum of 1,250 tons of RAC and may use unlimited amounts of RAC. Eligible RAC must contain a minimum of 20 pounds of crumb rubber per ton of hot-mix, derived from 100% California waste tires. Projects location must be located within California.

INELIGIBLE PROJECTS

- Projects that use crumb rubber derived from non-California waste tires.
- Projects located outside of California.
- Projects that do not meet the eligibility requirements.
- Projects that have completed placement/construction of the RAC before the CIWMB considers the application for award.

GRANT FUNDING AVAILABLE

The RAC Use Grant Program anticipates that \$3,020,583 will be available for FY 2007/08, subject to funding availability. Ten percent (10%) of the allocation will be set aside to fund projects from eligible rural entities. For the purposes of this grant program, an eligible rural entity is defined as, an entity within a California county that has a population of 400,000 or less (according to the 2000 U.S Census). Maximum available funding per jurisdiction is \$250,000.

GRANT TERM

The anticipated term of the grant is approximately two years—ending on April 2, 2010. The actual grant term begins with receipt of the Notice to Proceed letter from the CIWMB and grant expenses may not be incurred until the grantee receives that Notice to Proceed letter. Grantees have approximately two years to complete their project and all costs must be incurred and goods and/or services received during the grant term.

ELIGIBLE COSTS

Eligible costs will be determined by the total RAC tonnage for all proposed projects multiplied by the reimbursement rate of five dollars per ton (\$5.00/ton). The maximum grant award is \$250,000 (equal to 50,000 of RAC). These costs must be incurred during the term of the grant, i.e. receipt of the Notice to Proceed from CIWMB through April 2, 2010.

INELIGIBLE COSTS

Costs incurred prior to the receipt of the Notice to Proceed or after April 2, 2010.

Appendix B

GRANT APPLICATION REVIEW, AWARD PROCESS, AND ADMINISTRATION

APPLICATION REVIEW

After the close of the application period, staff will perform initial data entry and a completeness review for each application. Program staff will conduct an eligibility review to verify that the applicant meets the eligibility and project requirements.

To differentially rank the proposed applications, the CIWMB will apply the priority categories sequentially on each project to determine the highest ranking applications (i.e., category two will be used to differentiate tied projects after applying category one; category three will be used to differentiate tied projects after applying categories one and two).

Category 1 – Amount of RAC used. Applications that propose to use the greatest amount of RAC will receive highest rank (i.e., applications will be ranked from those using highest tonnage of RAC down to 1,250 tons of RAC).

Category 2 – Amount of crumb rubber per ton of RAC used. Applications that propose to use the greatest amount of crumb rubber per ton of RAC will receive higher rank (after applying Category 1, first tiebreaker). This amount will be determined by the amount of crumb rubber in the asphalt binder, multiplied by the amount of binder used in the RAC or by the percentage of crumb rubber added per ton of RAC (dry process only). All applications must meet the minimum crumb rubber content requirement of 20 pounds of rubber per ton of RAC.

Category 3 – Project Construction Date/Readiness status of project(s) (after applying Categories 1 and 2, second tiebreaker). This category will be applied to the RAC projects as follows:

Proposed date of RAC project construction (Commencement dates closest to application deadline receive highest ranking).

If no construction date is given, then the ranking will be determined as follows:

1. contract for the project has been awarded to contractor (highest)
2. contract for the project has been put out to bid
3. contract for the project is in the planning/design phase (lowest)

All applicants will be notified of staff's recommendations by mail or email. Approximately four weeks after the Board meeting in which the application is considered, applicants selected for grant funding will receive instructions to initiate the Grant Agreement process.

The requirements for properly administering this grant will be fully set forth in the Terms and Conditions and the Procedures and Requirements of the Grant Agreement. CIWMB reserves the right to not award any grant funds under this program.

GRANT AWARD PROCESS

Staff will develop funding recommendations for the Board's consideration during its quarterly Market Development and Sustainability Committee meeting and Board meeting(s) in 2008 (tentative). The CIWMB will award grants on a priority ranking basis. The CIWMB reserves the right to fund individual phases of selected proposals, and may therefore fund an amount less than requested. Should this occur, staff will incorporate additional conditions or changes in the final Grant Agreement. CIWMB reserves the right to not award any grant funds under this program.

GRANT AGREEMENT

Following the Board's approval of grant awards, the successful applicants will be mailed a Grant Agreement Package which includes the Grant Agreement Form (CIWMB 110) and the Exhibits (Terms and Conditions; Procedures and Requirements; and Signage.)

The Authorized Signatory will be required to sign the Grant Agreement Form (CIWMB 110) and return it to the CIWMB within ninety (90) days from the date of mailing by the CIWMB or the grant award will be null and void. Grantees are required to pay all outstanding debts due the CIWMB within 90 days from the Board's award date or the grant award will be null and void.

As stated in the grant agreement, an applicant must:

- Certify that any contractors hired for the project are reliable. Grantees must complete the Reliable Contractor Declaration (CIWMB 168). <http://www.ciwmb.ca.gov/Grants/Forms/CIWMB168.doc>
- Provide an acknowledgement of the project.

GRANT ADMINISTRATION AND REPORTS

The requirements for properly administering the grant will be fully set forth in the Terms and Conditions and Procedures and Requirements as mentioned above.

Grantees are required to submit annual progress reports and a final report. The final report will provide an evaluation of the RAC project, the amount of RAC used, amount of crumb rubber used, cost, and any other information requested by the Grant Manager. The Final Report and Final Payment Request are due by April 2, 2010. Grantees who fail to submit the Final Report and Final Payment Request, with all required supporting documentation, by April 2, 2010, may forfeit reimbursement of otherwise eligible costs and/or cause the Final Payment Request to be rejected.

CIWMB PAYMENTS FOR GRANT EXPENDITURES

Grant funds are paid on a reimbursement basis for costs incurred as specified in the Grant Agreement. All payment requests must include itemizations with documentation of claimed expenses (e.g., receipts, invoices, weigh tickets, proof of payment, etc.). The authorized signature authority or designee (if applicable) must sign the payment request. Ten percent (10%) of the requested reimbursement amount from each payment request will be retained until completion of the grantee's obligations under the Grant Agreement. At the end of the grant term or upon completion of the grant project, the ten percent (10%) withhold will be reimbursed after the CIWMB Grant Manager receives and approves the Final Payment Request and Final Report.

AUDIT REQUIREMENTS

All grantees are required to comply with the following provisions:

Audit/Records Access. The grantee agrees that the CIWMB, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The grantee agrees to maintain such records for possible audit for a minimum of three years after final payment or the end of the grant term, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute or audit, whichever is later. The grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.

Should CIWMB seek reimbursement of costs paid to a grantee as a result of an audit finding, the grantee hereby waives any jurisdictional defenses and expressly waives tribal sovereign immunity as a defense to any action in any court of the State of California for the recovery of such funds.

Appendix C
CALCULATION FOR REQUESTED GRANT AMOUNT
INFORMATION AND EXAMPLE

Use the example calculation below to help determine the requested amount of grant funds; the final grant reimbursement will be determined by the actual total RAC tonnage used for all projects multiplied by the reimbursement rate of five dollars per ton (\$5.00/ton), not to exceed grant funds awarded.

Table 1: Project Calculation Example

AMOUNT OF RAC USED IN PROJECT (IN TONS)	X	REIMBURSEMENT RATE (\$5.00/TON)	=	TOTAL
15,236	X	\$5.00	=	\$76,180

The maximum an applicant can receive is two hundred fifty thousand dollars \$250,000 (equivalent to usage of 50,000 tons of RAC).

Appendix D
RESOLUTION AND LETTER OF AUTHORIZATION (LOA)
INFORMATION AND EXAMPLES

The grant application package must include a current approved resolution from the applicants' governing body authorizing submittal of an application to CIWMB. The resolution must identify the position title of the official authorized to execute any agreements, contracts, and requests for payment. In the event the applicant cannot obtain a resolution prior to submission of the application, the application must state when the resolution will be approved. An approved resolution must be received within thirty days of the application deadline date, or the application will not be considered for award.

RAC USE GRANT PROGRAM RESOLUTION EXAMPLE – 1 YEAR

This example is provided for guidance purposes only. Consult your attorney.

WHEREAS, Public Resources Code Section (PRC) 42872.5, authorizes the California Integrated Waste Management Board (CIWMB) to establish a grant program to fund rubberized asphalt concrete (RAC) projects as part of the waste tire recycling program; and

WHEREAS, the CIWMB has been delegated the responsibility for the administration of the program, setting up necessary procedures governing application by local governments and their subdivisions under the program; and

WHEREAS, CIWMB is authorized to award grants under the waste tire program as identified in its *Five-Year Plan for the Waste Tire Recycling Management Program*; and

WHEREAS, procedures established by the State of California and the CIWMB require each jurisdiction/applicant to certify by resolution the approval of the jurisdiction/applicant's governing body for submittal of a grant application before submission of said application to the CIWMB; and

WHEREAS, if awarded a grant, **(Name of Jurisdiction/Applicant)** will enter into a Grant Agreement with the CIWMB for implementation of a Rubberized Asphalt Concrete Use Grant;

NOW, THEREFORE, BE IT RESOLVED that the _____ **(Title of Governing Body)** _____ authorizes the submittal of an application to the CIWMB for a Fiscal Year _____ Rubberized Asphalt Concrete Use Grant.

BE IT FURTHER RESOLVED that the _____ **(Title of Official)**, _____ of the _____ --- **(Name of Jurisdiction)** _____ or his/her designee, is hereby authorized and empowered to execute in the name of the _____ **(Name of Jurisdiction)** _____ all necessary grant-related documents, including, but not limited to, applications, contracts, agreements, amendments, and payment requests for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

The foregoing resolution was passed by the _____ **(Title of Governing Body)** _____ this _____ day of _____, _____. Effective _____, _____.

ATTEST:

Signed: _____ Date: _____
(Name and Title of Official Authorized to Sign Resolution)

RESOLUTION EXAMPLE FOR ALL TIRE GRANTS - 5 YEAR

This example is provided for guidance purposes only, which can be modified to cover a time period of less than five years and/or to address a specific grant program or programs. Consult your attorney.

WHEREAS, Public Resources Code Sections 42800 et seq. established the waste tire program for the State of California and assigns responsibility for its implementation to the California Integrated Waste Management Board (CIWMB); and

WHEREAS, CIWMB is authorized to award grants under the waste tire program as identified in its *Five-Year Plan for the Waste Tire Recycling Management Program*; and

WHEREAS, procedures established by the State of California and the CIWMB require each jurisdiction/applicant to certify by resolution the approval of the jurisdiction/applicant's governing body for submittal of a grant application before submission of said application to the CIWMB; and

WHEREAS, if awarded a grant, **(Name of Jurisdiction/Applicant)** will enter into a Grant Agreement with the CIWMB for implementation of a tire-related grant.

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of an application to the CIWMB for any or all available CIWMB tire-related grants for the period of **(Indicate Time Period - up to five years from date of adoption)**.

BE IT FURTHER RESOLVED that the **(Title of Official)** of the **(Name of Jurisdiction)** or his/her designee is hereby authorized and empowered to execute in the name of the **(Name of Jurisdiction)** all necessary grant related documents, including but not limited to, applications, contracts, agreements, amendments and payment requests, for the purposes of securing grant funds to implement and carry out the purposes specified in the grant application(s).

The foregoing resolution was passed by the **(Title of Governing Body)** this

_____ day of _____, 2007. Effective _____, 2007.

ATTEST:

Signed: _____ Date: _____

LETTER OF AUTHORIZATION (LOA) EXAMPLE

The following language is presented for example purpose only and is to be used to designate another individual as the signature authority, if the approved resolution allows the signature authority to delegate his or her signature authority to another individual.

[Letterhead – Should include applicant's address]

Date

California Integrated Waste Management Board

(Name of Grant Program)

Financial Assistance Division, 9th Floor

Grants Administration

P.O. Box 4025

Sacramento, CA 95812-4025

To Whom It May Concern:

Enclosed is an application for \$ (amount) for the (Name of Grant Program). By submitting this application, I am making a commitment to complete the proposed project as described in the enclosed application. I certify that this document and all attachments were prepared under my direction, and hereby certify under the penalty of perjury, under the laws of the State of California, that the information submitted is true and accurate to the best of my knowledge and belief.

I have authority to execute a binding agreement on behalf of (name of entity). In addition to myself, I authorize the following individual to sign payment requests and other official correspondence relating to this project:

Name & Title

Name of entity

Mailing Address

City, State, Zip Code

Telephone Number

Sincerely,

Name (**Authorized Signatory per Resolution**)

Title

Name of entity

Appendix E

ENVIRONMENTALLY PREFERABLE PURCHASES AND PRACTICES POLICY

EXAMPLE AND NOTIFICATION

The following language is presented for example purpose only.

ENVIRONMENTALLY PREFERABLE PURCHASES

The (entity/jurisdiction) provides that all departments shall, whenever possible, use recycled products and recycled materials to meet their needs. This policy is enacted to demonstrate compliance with the Waste Management Reduction Act and foster market development for recycled products. See Appendices -- Appendix E for definitions

PURCHASE POLICIES

- A. All (entity/jurisdiction) departments shall use recycled products whenever practicable. Special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
- B. All (entity/jurisdiction) departments may, at their option and with purchasing concurrence, require procurement of designated recycled products or recycled products above the levels required by this policy.
- C. The (entity/jurisdiction) shall require its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable.
- D. The (entity/jurisdiction) shall promote the use of recycled products, publicizing its procurement policy whenever practicable.

PURCHASE RESPONSIBILITIES OF RECYCLED PRODUCTS AND MATERIALS COORDINATOR

The (title) shall coordinate the implementation of this policy. He/she will establish a list of recycled products that shall be purchased by all (entity/jurisdiction) departments whenever practicable and will develop the mechanism for maintenance, additions, and deletions to the list of recycled products available for procurement. Maintenance of the list will include addition of new products containing recycled material as they become available and make available to departments specifications on the new products along with a list of suggested uses. The (title) will also work with all departments to establish minimum recycled content standards for designated recycled products to maximize recycled product availability, recycled content, and competition. The (title) will also be responsible for annual policy review.

ENVIRONMENTALLY PREFERABLE PRACTICES

(The entity/jurisdiction) will act to make resource conservation an integral part of its waste reduction and recycling programs. The practice of discarding materials used in the (entity/jurisdiction) facilities is wasteful of natural resources, energy, and money.

PRACTICE POLICIES

1. The (entity/jurisdiction) will integrate the concept of resource conservation, including waste reduction and recycling, into its environmental programs.
2. The (entity/jurisdiction) will decrease the amount of waste of consumable materials by: a) reduction of the consumption of consumable materials wherever possible; b) full utilization of all materials prior to disposal; and c) minimization of the use of non-biodegradable products wherever possible.
3. The (entity/jurisdiction) will cooperate with, and participate in, recycling efforts being made by the city and county. As systems for the recovering of waste and recycling are developed within the (entity/jurisdiction), they will participate by appropriately separating and allowing recovery of recyclable waste products.
4. The (entity/jurisdiction) will purchase, where financially viable, recycled products. The (entity/jurisdiction) will also encourage suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase.
5. Representatives of the (entity/jurisdiction) will actively advocate, where appropriate, for resource conservation practices to be adopted at the local, regional, and national levels.

ENVIRONMENTALLY PREFERRED PURCHASES AND PRACTICES POLICY NOTIFICATION

Submit this notification to CIWMB that your organization has adopted an Environmentally Preferable Purchases and Practices Policy. Your organization must adopt one and notify the CIWMB of such adoption by no later than 30 days of the application deadline date, or that application will not be considered for award.

APPLICANT / ORGANIZATION INFORMATION	
GRANT PROGRAM NAME:	
APPLICANT / ORGANIZATION NAME:	
PRIMARY CONTACT NAME:	TITLE:
TELEPHONE NUMBER:	FAX NUMBER:
EMAIL ADDRESS:	
Check box	
<input type="checkbox"/>	Yes, our organization has an Environmentally Preferable Purchases and Practices Policy. Date adopted: _____
<i>Certification: I declare, under penalty of perjury, under the laws of the State of California, that all information submitted for CIWMBs consideration for award of grant funds is true and accurate to the best of my knowledge.</i>	
X	
_____ <i>Signature Authority / Authorized Designee</i> (as authorized in Resolution or Letter of Authorization-LOA)	_____ <i>Date</i>
_____ <i>Print Name</i>	_____ <i>Print Title</i>

Submit notification to:

California Integrated Waste Management Board
 Rubberized Asphalt Concrete Use Grant Program
 Financial Assistance Division, 9th Floor
 P.O. Box 4025
 Sacramento, CA 95812-4025

(916) 341-5062 - phone

IMPORTANT! Your organization must receive an email confirmation from CIWMB that this notification was received.